

SENATE BILL 2585

By Black

AN ACT to amend Tennessee Code Annotated, Section
36-1-113, relative to termination of parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subsection (m) in its entirety and by substituting instead the following:

(m) Upon termination of parental or guardian rights, the court may award guardianship or partial guardianship of the child to a licensed child-placing agency or the department. Such guardianship shall include the right to place the child for adoption and the right to consent to the child's adoption. Upon termination of parental or guardian rights, the court may award guardianship or partial guardianship to any prospective adoptive parent or parents with the right to adopt the child, or to any permanent guardian who has been appointed pursuant to title 37, chapter 1, part 8. In any of these cases, such guardianship is subject to the remaining rights, if any, of any other parent or guardian of the child. Before guardianship or partial guardianship can be awarded to a permanent guardian, the court shall find that the department or licensed child-placing agency, currently having custody of the child, has made reasonable efforts to place the child for adoption and that permanent guardianship is in the best interest of the child.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.